

TIFFANY & BOSCO, P.A  
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Wachovia Bank of Delaware, NA  
10-74650

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Scott Hunt and Kimberly Hunt

Debtors

10-31555-lbr

Order No.:

Chapter 13

**DECLARATION RE BREACH OF CONDITION**

STATE OF South Carolina )  
 )ss.  
COUNTY OF York )

I, Trina M. Glover, under the penalty of perjury of the United States, declare and state:

1. As to the following facts, I know them to be true of my personal knowledge, and if called upon to testify in this action, I could and would testify competently thereto.

2. I am an employee of Wachovia Bank of Delaware, NA, Secured Creditor herein, and am most familiar with the loan and the bankruptcy case.

3. The real property subject to the Deed of Trust is commonly described as 4357 Scarlet Sea Avenue, North Las Vegas, NV 89031 and legally described as follows:

1 ALL THAT CERTAIN PROPERTY SITUATED IN CITY OF NORTH LAS VEGAS IN THE  
 2 COUNTY OF CLARK AND STATE OF NEVADA AND BEING DESCRIBED IN ADEED  
 3 DATED 1210911998 AND RECORDED 1211111998 IN INSTRUMENT NUMBER  
 19981211-128 AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH  
 ABOVE AND REFERENCED FOLLOWS:

4 LOT 59, BLOCK 5, SUBDIVISION NORTHBROOK UNIT 4, PLAT BOOK 82, PLAT PAGE  
 5 69. PARCEL ID NUMBER:12431113037.

6 4. I have examined the document entitled "Order Regarding Adequate Protection", a copy of  
 7 which is attached hereto and marked as Exhibit "A" and incorporated herein by reference. I represent my  
 8 personal knowledge as to whether the Debtors have complied with the requirements of said Order.

9 5. Pursuant to the aforementioned Order, the Debtors would have fifteen (15) days from the  
 10 date of this Declaration in which to cure the delinquencies due. If upon the 16<sup>th</sup> day, Debtors failed to so  
 11 cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured  
 12 Creditor.

13 6. As of the date of this Declaration, the Debtors have not made the payments as required by  
 14 the aforementioned Order. The Debtors are presently past due as follows:

2 Monthly Payments at \$1,245.58	\$2,491.16
(September 1, 2011 - October 1, 2011)	
1 Stipulated Payment at \$1,018.23	\$1,018.23
(September 20, 2011)	
Attorneys Fees	\$50.00
Total	\$3,559.39

18 7. Debtors are responsible for the subsequent payments that will come due during this  
 19 Breach period:

- 20 a. 0 Monthly Payments  
 21 b. 1 Stipulated payment at \$1,018.23

22 **PARTIAL TENDERS WILL NOT BE ACCEPTED**

23 8. Due to Debtors' failure to timely and properly comply with the Order as set forth  
 24 hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the  
 25 Stay Order to take possession of its real property.  
 26

1 9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance  
2 and are now owing to Secured Creditor from Debtors pursuant to the Deed of Trust.

3 10. Should the Debtor cure the default, the Debtors must forward the funds to:

4 **GREGORY L. WILDE, ESQ.**  
5 **TIFFANY & BOSCO, P.A**  
6 **212 South Jones Boulevard**  
**Las Vegas, Nevada 89107**

7 I declare under penalty of perjury that the foregoing is true and correct.  
8

9 Irina M. Plummer

10  
11 SUBSCRIBED and SWORN to before me  
12 this 18 day of oct, 2011

VP Loan Documentation

13  
14 [Signature]  
15 Notary Public in and for said  
State and County

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
JOSHUA M. PLUMMER  
NOTARY PUBLIC  
SOUTH CAROLINA  
MY COMMISSION EXPIRES 8-12-2020

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11 UNITED STATES BANKRUPTCY COURT  
12 DISTRICT OF NEVADA  
13

14 In Re:

15 Scott Hunt and Kimberly Hunt

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17 **CERTIFICATE OF MAILING OF**  
**DECLARATION RE BREACH OF CONDITION**

18 1. On 10-28-11 I served the following document(s):

19 DECLARATION RE BREACH OF CONDITION

20  
21 2. I served the above-named document(s) by the following means to the persons as listed below:

22 X a. ECF System

23 Randolph Goldberg  
24 randolphgoldberg@yahoo.com  
25 Attorney for Debtors

26 Kathleen A Leavitt  
courtsecf3@las13.com  
Trustee

1  
2 **X b. United States mail, postage fully prepaid:**

3 Scott Hunt and Kimberly Hunt  
4 4357 Scarlet Sea  
5 North Las Vegas, NV 89031  
Debtors

6 ☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

7 I personally delivered the document(s) to the persons at these addresses:

8 ☐ 1. For a party represented by an attorney, delivery was made by handing the  
9 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge  
10 by leaving the document(s) in a conspicuous place in the office.

11 N/A

12 ☐ 2. For a party, delivery was made by handing the document(s) to the party or  
13 by leaving the document(s) at the person's dwelling house or usual place of abode with someone  
14 of suitable age and discretion residing there.

N/A

15 ☐ **d. By direct mail (as opposed to through the ECF System)**

16 *(List persons and email addresses. Attach additional paper if necessary)*

17  
18 Based upon the written assignment of the parties to accept service by email or a court order. I  
19 caused the document(s) to be sent to the persons at the mail addresses listed below. I did not  
20 receive, within a reasonable time after the transmission, any electronic message or other  
21 indication that the transmission was unsuccessful.

22 ☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

23 Based upon the written assignment of the parties to accept service by fax transmission or  
24 a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error  
25 was reported by the fax machine that I used. A copy of the record of the fax transmission is  
26 attached.

1           ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*

2  
3           I served the document(s) by placing them in an envelope or package addressed to the  
4 persons at the addresses listed below and providing them to a messenger for service.

5           *(A declaration by the messenger must be attached to this Certificate of Service).*

6  
7           **I declare under penalty of perjury that the foregoing is true and correct.**

8  
9           Signed on : 10-28-11 